

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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LINDA GARRETT,

Plaintiff,

vs. Case No. 1:14-CV-00409

UNIVERSITY HOSPITALS OF  
CLEVELAND, et al.,

Defendant.

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Deposition of
JULIE CHESTER

November 24, 2014

9:42 a.m.

Taken at:

Thorman Petrov Griffin
3100 Terminal Tower
50 Public Square
Cleveland, Ohio 44113

Tracy Morse, RPR and Notary Public



1 an HR generalist to a manager of a community
2 hospital, Geauga Medical Center. I moved back
3 to the main campus as a manager of employee
4 relations, then a manager of human resources,
5 director of human resources and now my position
6 today as vice president.

7 Q. All right. Recognizing that you
8 probably won't be able to give exact dates, if
9 you can give me ranges of how long. And maybe
10 it's easier going back in time. So you're
11 currently the VP of HR and you've held that job
12 for about nine months?

13 A. Yeah, exactly.

14 Q. And before that, you were director
15 of human resources?

16 A. Right.

17 Q. Responsible for the academic
18 medical center?

19 A. Correct.

20 Q. Okay. And approximately how long
21 did you hold that position?

22 A. Approximately seven years.

23 Q. Okay. So that takes us back to
24 around 2007 or so?

25 A. Yes.

1 Q. In that timeframe?

2 A. Yes. End of 2007.

3 Q. And your position before that was
4 manager of human resources?

5 A. Correct, at the academic medical
6 center.

7 Q. So the same facility?

8 A. The same scope, yes.

9 Q. How long did you hold that position
10 approximately?

11 A. At least five years, but it could
12 be greater. I just -- to be honest with you,
13 I'd have to look at my resume or my employment
14 records to give you accurate detail of the
15 dates.

16 Q. So for the last ten years, though,
17 at least the last ten years, you've been in a
18 human resources function at the academic
19 medical center?

20 A. Correct.

21 Q. Okay. Are there differences or
22 were there differences between your
23 responsibilities as a manager as compared to a
24 director and then again as between your
25 director and current VP position?

1 with your counsel, my understanding is that you
2 are here today to speak on behalf of UH as the
3 representative for topics f, i and k.

4 MR. PETROV: Did I get that
5 right, Bart?

6 MR. BIXENSTINE: I'm not absolutely
7 certain about that, but --

8 MR. PETROV: Here, I think I
9 have an email.

10 MR. BIXENSTINE: Yeah, you know, it
11 certainly fits with my own recollection and I
12 see the email here, so.

13 MR. PETROV: Okay. Just for
14 the record, Exhibit --

15 MR. BIXENSTINE: So f, i and k.

16 THE WITNESS: Okay.

17 BY MR. PETROV:

18 Q. So did you have an understanding
19 that you were here in a capacity as a
20 representative for the hospital on some limited
21 topics when you came here today?

22 A. Yes.

23 Q. Okay. And are you comfortable
24 testifying in that capacity?

25 A. Yes.

1 her conduct warranted termination, correct?

2 A. Correct.

3 Q. You certainly have learned things
4 in the course of your duties about Ms. Garrett
5 and the facts and circumstances of her
6 employment at University Hospitals, correct?

7 A. Yes.

8 Q. That is information that came to
9 you from other people, correct?

10 A. Yes.

11 Q. And those people would be
12 Ms. Blankschaen or Ms. Lyons?

13 A. Ms. Lyons or Cyndi Beattie, my two
14 HR managers.

15 Q. Did you ever have any communication
16 directly with Sue Blankschaen?

17 A. No.

18 Q. Did you ever participate in
19 conversation of any kind -- well, let me back
20 up, because I want to make sure I set the
21 timeframe here. Prior to Ms. Garrett's
22 termination, did you ever participate in any
23 conversation in which Ms. Blankschaen also
24 participated regarding Linda Garrett?

25 A. No.

1 Q. Okay. I understand that you are
2 not the representative regarding the reasons
3 for Ms. Garrett's termination itself. I'm just
4 stating that for the record. But you do have a
5 personal understanding about the reasons she
6 was terminated from employment, correct?

7 A. Yes.

8 Q. And your understanding is that she
9 was terminated because her position was
10 eliminated, correct?

11 A. Yes.

12 Q. I'm kind of doubling down on some
13 of my prior questions, but just to make sure.
14 Your understanding is that she was not
15 terminated for any reason related to her work
16 performance, correct?

17 A. Yes.

18 Q. She was not terminated for any
19 reason related to her conduct as a University
20 Hospitals employee, correct?

21 A. Yes.

22 - - - - -

23 (Thereupon, Deposition Exhibit 27,
24 Defendant's Response to Plaintiff's
25 First Set of Discovery Requests to

1 recommendation to Lisa Venn," correct?

2 A. Yes, that's what it says.

3 Q. And the next sentence says, "Based
4 on that recommendation, Susan Blankschaen,
5 Director Hemodialysis & Ambulatory Services,
6 date of birth 8/31/55, made the decision that
7 Plaintiff's job responsibilities would no
8 longer include entering data into CROWNWeb."
9 And that statement is true, correct?

10 A. Yes.

11 Q. And then the next sentence says,
12 "Ms. Blankschaen made the decision to eliminate
13 Plaintiff's position." And your belief is that
14 that statement is also true, correct?

15 A. Yes.

16 Q. Now, in reading this, it's -- I
17 mean, your name does not appear in that
18 paragraph, correct?

19 A. Correct.

20 Q. Okay. And I take it that it's your
21 testimony that you played no role in the
22 decision to remove CROWNWeb duties from
23 Ms. Garrett's job responsibilities, correct?

24 A. No.

25 Q. You did not make the decision to

1 remove the responsibilities of CROWNWeb from
2 her job responsibilities, correct?

3 A. Correct.

4 Q. And you did not make the decision
5 to eliminate her position, correct?

6 A. Correct.

7 Q. You did not make the decision to
8 terminate Ms. Garrett's employment, correct?

9 A. Correct.

10 Q. So if anyone were to testify to
11 that fact, from your point of view, that
12 statement would be false, correct? Let me make
13 the question clearer.

14 A. Yeah.

15 Q. If someone were to testify, "Julie
16 Chester decided to eliminate Linda Garrett's
17 position," you believe that that statement
18 would be false, correct?

19 A. Repeat that again.

20 Q. Sure. I can make it even shorter.
21 You believe that this statement, "Julie Chester
22 made the decision to eliminate Linda Garrett's
23 position," you believe that statement is false,
24 correct?

25 A. Correct.

1 Q. So during that call, do you
2 recall -- there's too many, Calls, in that
3 sentence.

4 A. I know.

5 Q. Do you recall who shared the
6 results of the quality audit during that phone
7 call?

8 A. Lisa Venn shared the results of the
9 audit during that call.

10 Q. Okay. And generally speaking,
11 there was discussion about those results and
12 what you describe as next steps?

13 A. Yes.

14 Q. And at the conclusion of that
15 meeting, had any next steps been decided upon?

16 A. Yes.

17 Q. And do you remember what they were?

18 A. Yes. So based on the results from
19 the quality institute indicating that a
20 clinical person needed to do Linda Garrett's
21 job, it was HR's recommendation to eliminate
22 Ms. Garrett's position.

23 Q. Okay. Are you aware of whether
24 prior to that phone call human resources had
25 had any preliminary discussion -- and let me

1 back up. When I say, "Human resources," I mean
2 you or Erin Lyons or anyone under your
3 supervision, authority, direction.

4 A. Okay.

5 Q. Had human resources had any
6 preliminary discussion with Ms. Blankschaen in
7 advance of that call?

8 A. No --

9 Q. Okay. So --

10 A. -- well, not that I'm aware of.

11 Q. Okay. So --

12 MR. BIXENSTINE: And of course -- I
13 think what you mean is preliminary discussions
14 with Blankschaen concerning the topics on the
15 call. I mean --

16 MR. PETROV: Yeah.

17 MR. BIXENSTINE: -- there's tons of
18 conversations that go on --

19 THE WITNESS: Right.

20 MR. BIXENSTINE: -- between HR and
21 Blankschaen, you know. So with that in mind,
22 perhaps --

23 BY MR. PETROV:

24 Q. Okay. So at the conclusion of the
25 phone call that you recall, there was a

1 recommendation by human resources to eliminate
2 Ms. Garrett's position?

3 A. Correct.

4 Q. To whom was that recommendation
5 communicated next?

6 A. To Robin Rowell, who's the vice
7 president over the clinical institute
8 operations. Susan Blankschaen reports to
9 Robin.

10 Q. And do you know who communicated --

11 A. Cyndi Beattie.

12 Q. Okay. And do you know when Cyndi
13 communicated that to Robin?

14 A. After the call.

15 Q. Do you know how much time elapsed?

16 A. No.

17 Q. Do you know how she did it?

18 A. No.

19 Q. Do you have any understanding of
20 what happened with the recommendation, after it
21 reached Ms. Rowell?

22 A. Yes. Her position was
23 eliminated -- the document you just showed
24 me -- February 26, Ms. Garrett's position.

25 Q. Well, I guess where I'm missing

1 information or I feel like I'm missing
2 information; your sworn interrogatory answer
3 indicates that Ms. Blankschaen made the
4 decision to eliminate her position.

5 A. Right. It's HR's recommendation,
6 but it's always the hiring manager, the
7 business leader's ultimate decision to make
8 that employment action.

9 Q. But I guess what I'm asking is: So
10 far, you're aware that the information about
11 the recommendation was communicated to Robin
12 Rowell?

13 A. Correct --

14 Q. Do you know --

15 A. -- and then somehow from Robin, it
16 went back to Sue, obviously, but that was HR's
17 recommendation.

18 Q. But you have no --

19 A. I have no recollection in terms of
20 the timing or how that occurred.

21 Q. Okay. So you never participated in
22 a phone call on the topic of Ms. Garrett's
23 employment future with the hospital in which
24 Ms. Blankschaen also participated, correct?

25 A. Correct.

1 Q. And you never informed
2 Ms. Blankschaen directly that human resources
3 was recommending the elimination of the
4 position, correct?

5 A. Correct.

6 Q. Certainly Ms. Blankschaen would be
7 free to make whatever decision she felt best as
8 a manager for her department, correct?

9 A. Correct.

10 Q. Ms. Blankschaen would be required
11 to follow the direction of compliance that
12 CROWNWeb -- let me try that question again.

13 Compliance had issued a directive that
14 whoever is responsible for entering data into
15 CROWNWeb should be someone with a clinical
16 background, correct?

17 A. No. It wasn't compliance's
18 recommendation. It was an independent audit
19 completed by our quality institute and those
20 results were given back to compliance --

21 Q. Okay.

22 A. -- under the compliance umbrella.

23 Q. When you say, "Independent audit,"
24 what does that mean? As that term is used at
25 University Hospitals, what does, "Independent

1 been within her rights to adopt the quality
2 recommendation but not terminate Ms. Garrett's
3 employment, correct, if there were other
4 positions, opportunities, tasks for her to
5 perform?

6 A. I guess you could say that's
7 correct, yes.

8 Q. Did you participate in any
9 discussion at any time prior to Ms. Garrett's
10 termination about whether there were other
11 opportunities in the department for her?

12 A. Yes. Because I think at the time
13 when we were doing the audit, it was going to
14 take some time to pull the charts and the data
15 together, so there was concern of, What is
16 Ms. Garrett going to be doing for this portion
17 of her time. So we did start looking for other
18 opportunities that we could maybe, you know,
19 temporarily have her work in.

20 Q. Okay. And we'll talk about those.
21 You're describing, I think in that answer
22 discussion about opportunities to find her
23 temporary work assignments while the audit was
24 conducted.

25 A. Correct, right.

1 Q. Did you participate in any
2 discussion in which permanent opportunities for
3 Ms. Garrett were discussed?

4 A. No.

5 Q. Your understanding is that
6 Ms. Garrett, at the time of her termination,
7 was eligible for rehire or transfer, correct?

8 A. Yes.

9 Q. Are you aware that in fact that her
10 supervisor recommended her for rehire or
11 transfer?

12 A. That's what's in her record, yes.

13 Q. But other than seeing that, do you
14 have any --

15 A. No.

16 Q. You don't dispute that --

17 A. No.

18 Q. -- what's in the records?

19 A. I do not dispute that, no.

20 Q. Okay. Your understanding is that
21 the only reason that Ms. Garrett was not
22 rehired or transferred or reassigned after her
23 position elimination was that there were no
24 open positions for which she was qualified?

25 A. There was plenty of opportunities

1 for Ms. Garrett to apply for, but she decided
2 not to apply for any.

3 Q. So your understanding is that the
4 only reason she wasn't placed in any other
5 position is that she did not apply for any
6 other position?

7 A. Correct. Under our reduction in
8 workforce policy, she still needs to express
9 interest in a position.

10 Q. Okay. Well, certainly if
11 Ms. Blankschaen had decided to or had an
12 interest in moving Ms. Garrett into another
13 open position, she would have the authority to
14 offer that without an application, correct?

15 A. She would still need to post the
16 position within her department --

17 Q. Okay.

18 A. -- Ms. Blankschaen would.

19 Q. Sure. But there would be nothing
20 that would stop Ms. Blankschaen from
21 approaching Linda and saying, "Linda, You
22 should seriously consider this opportunity.
23 Would you be interested in it?" correct?

24 A. A manager could solicit all of
25 their employees, not just one employee, yes,

1 absolutely.

2 Q. I understand. What you're saying
3 is that if she did that, she would have to
4 follow opportunities to make it fair for all of
5 the applicants, correct?

6 A. Correct.

7 Q. But assuming that procedures and
8 requirements for posting and having open
9 applications, there's nothing that prohibits a
10 manager from expressing interest to an employee
11 about potentially applying for a position,
12 correct?

13 MR. BIXENSTINE: Objection.

14 A. Correct.

15 MR. BIXENSTINE: I don't think you
16 meant what you said.

17 MR. PETROV: No. I think --

18 MR. BIXENSTINE: You said,
19 "Expressing interest to an employee."

20 MR. PETROV: Yeah, that's what
21 I meant.

22 MR. BIXENSTINE: All right. Good
23 enough.

24 MR. PETROV: Okay.

25 MR. BIXENSTINE: But anyway, I

1 still need to raise an objection. Go ahead.

2 BY MR. PETROV:

3 Q. Okay. Let me do a couple clean-up
4 questions and then maybe we can take a short
5 break and then we're well on our way to -- I'm
6 not done yet, but we're making good progress.

7 No one ever came to you specifically to
8 complain about Linda Garrett's performance or
9 her conduct, correct?

10 A. Correct.

11 Q. And I assume you had no personal
12 complaint about her performance or conduct.

13 A. Correct.

14 Q. You never determined that she was
15 not qualified for any position that she held at
16 the hospital?

17 A. No. She was definitely qualified
18 for multiple openings that we had available.

19 Q. And the position that she actually
20 held, you never came to the conclusion that she
21 was not qualified, correct?

22 A. Correct.

23 Q. When you say that she was qualified
24 for multiple positions, your understanding is
25 that she would have been qualified for the

1 position at one time was known as a division
2 secretary position and then later became known
3 as a customer service rep position?

4 A. I don't know the specifics of those
5 two jobs, but there was -- I mean, we have over
6 a thousand vacancies at any given time, so
7 there's plenty of opportunities that she could
8 have sought out.

9 Q. And your understanding is that
10 Ms. Garrett was considered for none of those,
11 correct?

12 A. Because she did not express
13 interest, correct.

14 Q. Setting that aside, she was
15 considered for no positions at UH following her
16 termination, correct?

17 A. Correct, because she didn't express
18 interest.

19 Q. Well, she didn't express interest
20 to you, correct?

21 A. Or to our recruitment staffing
22 team.

23 Q. Well, so far as you know?

24 A. There's no record of her applying
25 for any jobs within University Hospitals.

1 what approvals are required for that position
2 to be filled?

3 A. Sure. So the hiring manager would
4 create a requisition in our system. It would
5 go through, I don't know if it's one or two
6 levels of approval. It would end up eventually
7 in the recruiter's box and they would post the
8 position for five business days. During those
9 five business days, internal applicants have
10 the ability to apply for the position. At the
11 same time you can post it externally as well,
12 but internal candidates are given first
13 consideration before it goes externally.

14 Q. So the posting is up for longer
15 than five days. It's just a five-day --

16 A. Window.

17 Q. -- head start for the internal
18 applicants?

19 A. Yes.

20 And then from there, the recruiter would
21 screen applicants based on the minimal
22 qualifications for the position that are
23 maintained in the human resource department.
24 So if it requires a high school diploma, they
25 would screen and make sure that applicants had

1 a high school diploma, for example. Then the
2 recruiter would status those candidates on the
3 online system. What I mean by, "Status," is
4 they would say, "Qualified, Move on to manager
5 interview," or, "Reject," because they don't
6 meet the minimum qualifications. There's a
7 whole host of codes that they would fill out
8 depending on the applicant's background and
9 experience. From there, the manager would
10 interview probably the top three to five
11 candidates for the role, depending on how many
12 interviews or what the position is and how many
13 qualified applicants there are.

14 Q. Okay. And ultimately an offer --

15 A. Yes.

16 Q. -- is going to be extended to some
17 person, correct?

18 A. Correct.

19 Q. And at UH, under that recruiting
20 and hiring practice, an offer means a firm
21 offer for a new position for the internal or
22 external candidate?

23 A. Correct.

24 Q. Okay. Now, is there -- you'll have
25 to be patient with me as I kind of wade my way

1 keep her whole, so what work could she do in
2 the meantime until that audit was completed.

3 Q. Okay. And obviously
4 Ms. Blankschaen in connection with HR,
5 Ms. Blankschaen or Ms. Nodge, would have the
6 authority or the ability to assign Ms. Garrett
7 tasks for which she was qualified, correct?

8 A. Correct.

9 Q. In other words, this was not a
10 process that required the involvement of a
11 recruiter and applications on a temporary
12 basis?

13 A. Correct, for the temporary -- for
14 this unique situation, correct, right.

15 Q. Sure. Okay. What particular
16 involvement did you play in that process?

17 MR. BIXENSTINE: And that's in
18 reference to what? Forgive me.

19 MR. PETROV: Sure.

20 Q. I can be more specific.

21 A. Yeah.

22 Q. You are aware of an effort that
23 Ms. Blankschaen or Ms. Nodge and HR undertook
24 to try to find temporary duties for Ms. Garrett
25 to perform in the fall of 2012, correct?

1 than what you've already testified to?

2 A. I do know that part of her
3 responsibilities -- a majority of her job was
4 doing the CROWNWeb system, but a small portion
5 was, I believe administrative duties, but I
6 don't recall exactly what duties those were.
7 So I'm sure she was doing some of those duties
8 in the department.

9 Q. And you didn't have firsthand
10 knowledge of what the percentage of her work
11 was between CROWNWeb and other duties, correct?

12 A. No. It would be listed on her job
13 description, whatever those were.

14 Q. So you came to the conclusion from
15 the job description?

16 A. If I was outside looking in, yes,
17 looking at that and having conversations with
18 Sue Blankschaen and Megan Nodge, yes, if I was
19 looking outside in. So my guess is that Cyndi
20 Beattie and Erin Lyons would have conversations
21 with Sue Blankschaen and Megan Nodge.

22 Q. Although I appreciate the
23 explanation, I don't want you to guess.

24 A. So I don't know.

25 Q. Here's my question, my question is:

1 This was marked in a prior deposition.

2 A. Okay.

3 Q. Look it over and let me know when
4 you're ready to answer questions about it.

5 I'll tell you, I'll be focused largely on the
6 first page, not the detail of the second page,
7 but if you need to read the second page, that's
8 fine of course.

9 A. Okay.

10 Q. Okay. So this document has three
11 emails in chronological order. The second one
12 is one that you sent on December 7, 2012 to
13 Erin and copying Cyndi.

14 In the next one, you write, "This is the
15 position was referring to this morning, but it
16 is part-time." And then it looks like there is
17 part of a spreadsheet that was cut out of a
18 larger document referring to a secretary
19 division position. Do you see that?

20 A. Yes. I'm sorry.

21 Q. Did I interpret what that document
22 is correctly, that series of blocks across the
23 page?

24 A. This was, yeah, a position from a
25 larger spreadsheet with all of the new vacancy

1 requests that came through.

2 Q. Okay. And your email references,
3 it looks like a conversation or some
4 communication that morning.

5 A. I probably had a conversation with
6 Cyndi and Erin that morning briefing me on the
7 case, is my guess.

8 Q. Okay. So you believe that this was
9 in reference to something you were discussing
10 in reference to Ms. Garrett?

11 A. Yes.

12 Q. Do you recall any additional detail
13 about what you discussed with Erin and Cyndi on
14 this topic on December 7, 2012?

15 A. No.

16 Q. Well, certainly at this point in
17 time, Linda had been removed from her CROWNWeb
18 duties, correct?

19 A. Yes.

20 Q. And it was uncertain at this time
21 whether she would be allowed to return to them,
22 correct?

23 A. Right. We were waiting for the
24 results of the audit, yes.

25 Q. And certainly one of the results of

1 A. Correct.

2 Q. But you knew that there were going
3 to be results, correct?

4 A. Correct.

5 Q. And one of the results potentially
6 of the audit was that, Linda can't do this job,
7 correct?

8 A. Correct.

9 Q. Either because she's not qualified
10 to do it or because her performance was poor or
11 for some other reason?

12 A. Right. Or she could continue doing
13 her job.

14 Q. That's right.

15 A. Right.

16 Q. My point is, her future --

17 A. Was unknown at that time.

18 Q. -- her future was unknown. And one
19 of the possibilities was that she would no
20 longer have a job available to her after the
21 results of the audit came in, correct?

22 A. We had a review -- we didn't have
23 the results at that time, so we had to review
24 the results, but that is one possibility, yes.

25 Q. That's all I'm asking.

1 A. Yes.

2 Q. So at least in December of 2012,
3 the possibility that Linda's position would be
4 eliminated or would be changed in a way that
5 would eliminate her from being qualified for it
6 was something that you, Erin and Cyndi were
7 aware of, correct?

8 A. Correct.

9 Q. Did you have any discussion with
10 anyone in the department, whether it's Susan or
11 Megan or Carlton, about other opportunities for
12 Linda either on a temporary or a permanent
13 basis?

14 A. I don't recall having any
15 conversations with either of them.

16 Q. At least in December of 2012, you
17 certainly felt that the division secretary job
18 was one possible position to discuss for Linda,
19 correct?

20 A. Right, but I think this was a
21 temporary position at this time.

22 Q. Do you know that?

23 A. Yes, because it's after she was
24 removed from her duties and we were trying to
25 make sure that she had work to do.

1 Q. Okay. My question is a little
2 different, which is: You considered that this
3 could be one opportunity for her to find
4 employment, correct?

5 A. Down the road, if that's what the
6 results indicated, yes.

7 Q. And based on your knowledge of the
8 position and of Linda, you believe she was
9 qualified for this position, correct?

10 A. Division secretary, yes.

11 Q. Now, you make a reference to the
12 job being part-time.

13 A. Um-hum.

14 Q. As I read your email, it suggests
15 that the job being part-time was one reason to
16 not discuss it with Linda or not discuss it
17 with department management about a possibility.
18 Is that fair?

19 A. I don't know if it's fair, because
20 I don't recall the exact conversation I had
21 with Cyndi or Erin --

22 Q. Okay.

23 A. -- but Linda was full-time and this
24 position was only part-time. That was probably
25 the reference I was making in this email.

1 Q. Did that mean to you at the time
2 that the position being part-time therefore was
3 one that we need not discuss with Linda?

4 A. No.

5 Q. Do you know whether this job was
6 filled?

7 A. No.

8 Q. Have you ever heard of or met an
9 employee named Shron Pinkney at the hospital?

10 A. No.

11 Q. So you probably don't know whether
12 Ms. Pinkney is full-time or part-time.

13 A. Correct. I do not know.

14 Q. Certainly the process for -- well,
15 let me just ask you. In December 2012, if this
16 job were listed as part-time but the manager
17 felt the job should be full-time upon hiring,
18 who has the authority to make that change?

19 A. Well, the hiring manager would make
20 that decision and then she would have to submit
21 the requisition back through our workforce
22 control system, the approval system, to make it
23 happen again.

24 Q. Okay. So in this case, the hiring
25 manager is listed as Stanley Betts, Carlton

1 Betts, correct?

2 A. Correct.

3 Q. So if Mr. Betts wanted to fill this
4 job and wanted to fill it as full-time, he
5 would make that decision and then make a
6 requisition for approval?

7 A. Correct.

8 Q. And to whom would that request for
9 approval go?

10 A. It would go through the normal
11 hierarchy. So it would go through Sue
12 Blankschaen and then maybe up one level as well
13 to the next level of leadership.

14 Q. Would the records of the hospital
15 reflect that process of approvals? Is it
16 something that's done electronically or --

17 A. It's electronically.

18 Q. Do you know if you would be able to
19 view that or audit it?

20 A. I don't think I can even view that.
21 I think it just automatically happens, because
22 it's based on the Oracle hierarchy system, but
23 I never obtained that myself to show the --

24 Q. Oh, I'm sure --

25 A. Yeah.

1 Ms. Garrett went directly to compliance?

2 A. I was made aware that she went to
3 compliance, yes.

4 Q. Are you aware that either in her
5 conversations with Ms. Lyons or in her
6 conversations with compliance that she
7 communicated a belief that the data that was
8 being entered into CROWNWeb was false?

9 A. I learned that after the fact, yes.

10 Q. Okay. I'm not saying you came to
11 the same conclusion.

12 A. Right.

13 Q. You learned that she made that
14 communication?

15 A. Yes.

16 Q. When you say, "After the fact" --

17 A. Well, after the fact that she filed
18 the compliance call.

19 Q. But before her termination?

20 A. Correct.

21 Q. Okay. How were you made aware of
22 that fact?

23 I mean, you didn't hear it from Linda
24 herself, correct?

25 A. Correct.

1 I don't recall.

2 Q. Is it fair to say that among this
3 working group of Erin and Cyndi and the
4 compliance and quality group, that everyone
5 shared that common knowledge?

6 A. Yes.

7 - - - - -

8 (Thereupon, Deposition Exhibit 267,
9 12/17/12 Email To Cyndi Beattie and
10 Julie Chester From Erin Lyons, Etc.,
11 was marked for purposes of
12 identification.)

13 - - - - -

14 Q. Okay. This is Exhibit 267. It's a
15 new exhibit. Julie, take a minute and read
16 through that and let me know when you're ready
17 to talk about it.

18 A. Okay.

19 Q. As I look at Exhibit 267, there are
20 two emails. They're both from Erin Lyons, both
21 to Cyndi Beattie and you on December 17, right?

22 A. Yes.

23 Q. And apparently Erin had a
24 December 12 meeting with Dr. Wish.

25 A. Yes.

1 time, that division secretary job was still
2 open, correct?

3 A. I do not know that.

4 Q. Okay. You don't know one way or
5 the other?

6 A. Correct, if it was filled or --

7 Q. Okay. This document contemplates
8 the possibility, the possibility of extending
9 an offer to Ms. Garrett for one of these jobs,
10 correct? I'll show you what I'm pointing to.
11 That Erin asked Patty Collins, "not to extend
12 an offer before checking with me," correct?

13 A. Correct.

14 Q. Okay. So at least based on your
15 discussions with Ms. Lyons, you understood that
16 Erin thought that one possibility would be
17 offering one of these positions to Ms. Garrett,
18 correct?

19 A. I wouldn't say offering, per se,
20 but just making sure she meets the minimum
21 qualifications first even before you get to an
22 offer stage. She's probably just seeing if she
23 meets the minimum qualifications for that role.

24 Q. Okay. Sure. I understand that.

25 A. Yeah.

1 Q. Of course qualification analysis is
2 one part of any job --

3 A. Sure.

4 Q. -- but if that were met, one of the
5 possibilities is that an offer might be made,
6 correct?

7 A. Correct.

8 Q. And, in fact, Erin was sufficiently
9 concerned about that that she instructed Patty
10 to not extend an offer before checking with HR,
11 correct?

12 A. Correct.

13 Q. Okay. Linda had not applied for
14 these jobs, to your knowledge, correct?

15 A. Correct. I don't know.

16 Q. Well, you said based on your review
17 of the documents we requested, you found no
18 record of any application from her of any kind,
19 correct?

20 A. I was going off the timeframe after
21 Ms. Garrett was terminated and my earlier
22 comments --

23 Q. Okay. Did you --

24 A. -- so I was not aware if she
25 applied for any jobs during this timeframe

1 A. Correct. But if you look at the
2 timeframe, it was the month of December and
3 that's when Ms. Garrett was removed, so we
4 didn't have the results until the following --

5 Q. I just want to be clear about what
6 the document is saying, though.

7 A. Okay.

8 Q. They do say, In December 2012.

9 A. Correct.

10 Q. And they talk about, The status of
11 the two positions we discussed.

12 A. Correct.

13 Q. And, "Not extending an offer before
14 checking with me," correct?

15 A. Correct.

16 Q. And they do not reference temporary
17 employment for Ms. Garrett, correct?

18 A. Correct.

19 Q. Okay. Are you aware of any
20 communication in which the possibility of
21 temporary reassignment is discussed for
22 Ms. Garrett?

23 A. Repeat that again.

24 Q. Sure.

25 A. Am I aware of --

1 look for other opportunities to see if she
2 could work potentially in other areas until the
3 audit was completed. So that is what these
4 emails are referring to.

5 Q. My question is: In December 2012,
6 you're discussing the possibility of offering
7 her one of those opportunities, correct?

8 A. Not offering, no.

9 Q. Well, Erin Lyons specifically
10 references the process by which an offer might
11 be made through Patty Collins, correct?

12 A. No. She's referring to offers to
13 other applicants.

14 Q. Oh, is she? Where does she say
15 that?

16 A. "Not to extend an offer before
17 checking with me," because she's getting ready
18 to extend an offer for the position to other
19 applicants.

20 Q. Including potentially Ms. Garrett,
21 correct?

22 A. Potentially, correct.

23 Q. And if that were to happen, you
24 required no application from Ms. Garrett prior
25 to -- for this process to even start, correct?

1 either of the jobs discussed in 267

2 specifically, correct, to your knowledge?

3 A. To my knowledge, I'm not aware of
4 what positions she applied for.

5 Q. And to your knowledge, she didn't
6 express interest in any other job prior to her
7 termination, correct?

8 A. Correct.

9 Q. And the reason for that is because
10 no one ever told -- to your knowledge, no one
11 ever told Ms. Garrett that she was in danger of
12 losing her job, correct?

13 MR. BIXENSTINE: Objection.

14 A. We wouldn't tell her that, because
15 we don't know at this time. We don't have the
16 result of the audit.

17 Q. You're providing explanations,
18 which I understand, but my question was: To
19 your knowledge, no one communicated the fact
20 that Ms. Garrett was in jeopardy of losing her
21 job to her prior to February 26, 2013, correct?

22 MR. BIXENSTINE: Objection.

23 A. Correct.

24 Q. And you would agree that if she had
25 known that one potential result of the audit

1 might be that she might lose her job that she
2 likely would apply for other jobs available in
3 December and January, correct?

4 MR. BIXENSTINE: Objection.

5 A. I don't know what Ms. Garrett would
6 have done.

7 Q. What would you have done in that
8 circumstance?

9 MR. BIXENSTINE: Objection.

10 A. I don't know.

11 Q. Do you believe it would be a
12 reasonable thing to expect that if Ms. Garrett
13 were told, "Linda, we're doing an audit. One
14 result of the audit might be that we'll have to
15 remove you from your job," do you think it
16 would be reasonable to expect that she would
17 apply for other jobs with that information?

18 MR. BIXENSTINE: Objection.

19 A. I can't speak on behalf of
20 Ms. Garrett. I don't know.

21 Q. My question is: Do you think it
22 would be reasonable --

23 MR. BIXENSTINE: Objection.

24 Q. -- would it be reasonable to
25 conclude that she would do that?

1 MR. BIXENSTINE: Objection.

2 A. Sure.

3 Q. Okay. And so backing up to my
4 application question. One of the purposes you
5 identified in having an application is to get a
6 firm record of interest from the applicant,
7 correct?

8 A. Sure, yes.

9 Q. Your understanding is that you
10 didn't have that from Ms. Garrett in December
11 of 2012, correct?

12 A. I don't know.

13 Q. You're unaware of any?

14 A. I'm unaware of any positions that
15 Ms. Garrett applied for at all.

16 Q. And despite that, you were still
17 prepared to discuss the possibilities of other
18 opportunities for Ms. Garrett, correct?

19 MR. BIXENSTINE: Objection, assumes
20 facts.

21 THE WITNESS: Do I still answer?

22 MR. BIXENSTINE: If you understand
23 the question, do your best to answer it. I
24 believe it's an inappropriate question for a
25 variety of reasons, but that's why I've raised

1 Q. Back after a break. I'm just about
2 done. I've got one other document to show you.

3 - - - - -

4 (Thereupon, Deposition Exhibit 220,
5 3/19/13 Email To Julie Chester From
6 Cyndi Beattie, Etc., was marked for
7 purposes of identification.)

8 - - - - -

9 Q. This is Exhibit 220. You can look
10 through this. Let me see if I can direct you
11 to what I am -- the email that I'm interested
12 in really looking at is the one that's on
13 page 3 that Linda sends to Erin Lyons on
14 March 6, 2013, and then in addition to that,
15 just to establish that elsewhere in the
16 document that this was forwarded to you, I
17 think on the first page.

18 We can agree that this entire email chain
19 you received in March of 2013 from Cyndi
20 Beattie, correct?

21 A. Correct.

22 Q. Okay. If you would read Linda's
23 March 6 email and let me know when you're ready
24 to talk about it.

25 A. Okay.

1 Q. I have a couple questions. The
2 first is: When this email chain was forwarded
3 to you a couple days after the first emails
4 were written, did you read them? Do you
5 remember reading these things?

6 A. I typically read them, yes, when
7 emails come across my desk.

8 Q. That would include Linda's email to
9 Erin. Do you remember reading that?

10 A. I don't remember reading it, but if
11 I received it, then --

12 Q. So whether it was from reading it
13 or from conversations with Erin, I just want to
14 confirm that you received this and had this
15 understanding. A couple things Linda writes --
16 in her first paragraph, she writes that --

17 MR. BIXENSTINE: Which page are you
18 on?

19 THE WITNESS: Yeah. Which page?

20 MR. PETROV: I'm sorry. Thank
21 you.

22 Q. I'm on Linda's email, which is the
23 March 6, 2013, 7:11 p.m.

24 MR. BIXENSTINE: You're on page 3?

25 MR. PETROV: Yes.

1 Q. At the end of the first paragraph,
2 Linda states, "...I am not interested in
3 leaving UH or leaving the Dialysis Center. I
4 wish to continue my employment there." Did you
5 have that understanding in March of 2013?

6 MR. BIXENSTINE: Did she have the
7 understanding that that was Linda Garrett's
8 position. Is that the question?

9 MR. PETROV: Yes.

10 MR. BIXENSTINE: Okay.

11 A. If I received this email then, yes,
12 I would have.

13 Q. Okay. In the second paragraph, she
14 talks about CROWNWeb. I don't have questions
15 about that right now. Then the third
16 paragraph, same thing, I don't have questions
17 about that.

18 Then in her fourth and fifth paragraphs,
19 she asked for a number of things. She asked
20 for a reconsideration and reinstatement, right?

21 A. Yes.

22 Q. Then in the next paragraph, she
23 asks, if that's not a possibility, if she can
24 return to the dialysis center to perform duties
25 currently being completed by a temporary agency

1 220, on the third page?

2 A. Yes.

3 Q. Do you see the reference to a
4 temporary agency person near the bottom of the
5 page?

6 A. Yes.

7 Q. It's down here. (Indicating.)

8 A. Right here. (Indicating.)

9 Q. Do you know whether as of March 6
10 of 2013 there was a temporary agency person
11 working within the dialysis center?

12 A. I do not.

13 Q. Turn to Exhibit 267.

14 A. Um-hum.

15 Q. There's a reference at the top of
16 the page to, "RFT secretary in the SIU." Do
17 you know what, "RFT," refers to?

18 A. Regular full-time.

19 Q. And, "SIU," refers to?

20 A. Special immunology unit.

21 Q. This is in December of 2012. Did
22 anyone have the authority to offer Ms. Garrett
23 a full-time position as a secretary in SIU?

24 A. No.

25 Q. Why not?

1 A. Because a position would have to be
2 posted within the SIU and Ms. Garrett did not
3 work in that department.

4 Q. All right. Did anyone have the
5 authority to place her as a secretary in SIU on
6 a temporary basis?

7 A. Yes.

8 Q. All right. Who would have had
9 authority to do that?

10 A. Robin Rowell, VP of clinical
11 institute operation.

12 Q. Did you ever become aware that
13 Ms. Garrett had pursued a phone call with the
14 UH hotline?

15 A. Was I aware?

16 Q. Yes.

17 A. Yes.

18 Q. How did you become aware of that?

19 A. Through my HR team, Cyndi Beattie
20 and Erin Lyons.

21 Q. Okay. Do you know a nurse by the
22 name of Kristen Hackett?

23 A. Hackman.

24 Q. Hackman. Excuse me.

25 A. Yes.

1 Q. Do you know whether Ms. Beno ever
2 became aware that the reason that Ms. Hackman
3 was reviewing CROWNWeb entries was because of
4 concerns raised by Ms. Garrett?

5 A. Again, I do not know.

6 Q. Okay. I want you to turn to
7 interrogatory number 5 here that we were
8 looking at.

9 A. Okay.

10 Q. I want to put your focus on the
11 phone call with legal that you referred to in
12 your testimony earlier today concerning the
13 results of the CROWNWeb audit. Okay?

14 A. Okay.

15 Q. You referred to some communications
16 between Cyndi Beattie and Robin Rowell.

17 A. Correct.

18 Q. Remind me again. What was the
19 communication you were referring to?

20 A. It was HR's recommendation that
21 Linda Garrett's position be eliminated because
22 it required the clinical background as
23 evidenced by the quality audit.

24 Q. And you had some knowledge that
25 Ms. Beattie spoke with Ms. Rowell about that?

1 A. Yes.

2 Q. How do you know that?

3 A. Because we discussed it on that
4 call in that meeting, that Cyndi would follow
5 up directly with Robin to provide those
6 recommendations.

7 Q. Do you have any knowledge of any
8 conversations between -- well, Ms. Blankschaen
9 reported to Ms. Rowell at the time?

10 A. Yes.

11 Q. Okay. Do you have any knowledge
12 either directly or through others of any
13 conversations between Ms. Rowell and
14 Ms. Blankschaen concerning the recommendations
15 coming out of the CROWNWeb audit that took
16 place after that meeting with legal that you
17 referred to?

18 MR. PETROV: Objection.

19 A. I do not recall.

20 MR. BIXENSTINE: I want to make
21 sure that's not a technical thing.

22 MR. PETROV: I just thought it
23 was vague. It was just vague.

24 MR. BIXENSTINE: Okay.

25 Q. Let me try it again. Do you know

1 A. Correct.

2 Q. Am I correct that Sue Blankschaen
3 was the director over those same areas?

4 A. Sue is the director over some
5 areas, not all the areas under Robin.

6 Q. She was director over the special
7 immunology unit, though, correct?

8 A. Correct.

9 MR. PETROV: That's all I have.

10 MR. BIXENSTINE: Okay.

11 She'll read.

12 (Thereupon, the deposition
13 was adjourned at 12:03 p.m.)

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